

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION

RAPHAEL DE ALWIS

PLAINTIFF

VS.

CIVIL ACTION NO. 2:12cv193-M-V

SUNTRUST MORTGAGE, INC. AND  
FEDERAL NATIONAL MORTGAGE ASSOCIATION

DEFENDANTS

**ORDER**

This matter is before the court on motion of the defendant, Suntrust Mortgage, Inc., to Compel Compliance with Court Order and for Sanctions (# 26). The court, having reviewed the record, the motion, and having heard oral argument, finds for the reasons announced by the court on the record at the conclusion of the motion hearing on June 20, 2013, the motion is well taken, and shall be GRANTED. Plaintiff has until 5pm, Monday, June 24, 2013, to provide complete responses to all pending discovery.

Further, pursuant to Rule 37(b)(2)(C), the plaintiff will pay to the defendant the reasonable expenses, including attorney's fees, incurred in bringing on the instant motion. The defendant will provide to the court a detailed explanation of the costs, expenses, and fees incurred as a result of the present motion by Tuesday June 25, 2013 at 5:00 P.M.

Finally, if defendant is forced to file a further motion to compel, the court will set an in person hearing on it, and plaintiff will be required to also be present at the hearing. In such event, the court will consider appropriate sanctions, including fees and a potential dismissal of

the action for repeated unexcused failure to cooperate in discovery and comply with court orders.

SO ORDERED, this the 20<sup>th</sup> day of June 2013.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE